## THE STATE OF

## BEFORE THE ARIZONA CORPORATION COMMISSION

2 SUSAN BITTER SMITH Chairman 2015 SEP 28 P 4: 30

BOB STUMP Commissioner

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AZ CART COMMISSION PODMET COMMISSION

BOB BURNS Commissioner

TOM FORESE Commissioner

DOUG LITTLE Commissioner

IN THE MATTER OF THE APPLICATION OF CHAPARRAL CITY WATER COMPANY FOR A DETERMINATION OF THE CURRENT FAIR VALUE OF ITS UTILITY PLANT AND PROPERTY AND FOR INCREASE IN ITS RATES AND CHARGES BASED THEREON

DOCKET NO. W-02113A-13-0118

CHAPARRAL CITY WATER COMPANY'S RESPONSE TO RECOMMENDED OPINION AND ORDER

Through this filing, Chaparral City Water Company ("CCWC") respectfully requests that the Commission provide guidance as to the impact of the proposed stay on CCWC's tracking of SIB eligible projects. Pursuant to the proposed order, "all compliance requirements specifically associated with the operation" of the SIB would be stayed. As this would include SIB report filings required pursuant to Decision No. 74568 ("Decision") and the related Plan of Administration ("POA"), including all semi-annual progress reports, CCWC seeks direction as to whether it should continue to track SIB-related plant additions in the manner required by the Decision and the POA to allow for recovery of these items should the Arizona Supreme Court reverse the decision of the Arizona Court Appeals.

In addition, CCWC requests guidance on these additional SIB-related issues:

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- 1. If the Arizona Supreme Court rules in favor of the Commission and reverses the Arizona Court of Appeals, will CCWC be allowed to assess SIB surcharge(s) for prior calendar years (i.e., for the years during which the SIBrelated items of the Decision are stayed)?
- 2. If CCWC is allowed to assess surcharge(s) from prior calendar years, will the 5% cap be waived to allow for recovery of all SIB-related infrastructure installed per the Decision and POA?

RESPECTFULLY SUBMITTED this 28th day of September, 2015.

## LEWIS ROCA ROTHGERBER, LLP

Thomas H. Campbell Michael T. Hallam 201 E. Washington, Suite 1200 Phoenix, Arizona 85004 Attorneys Chaparral City Water Company

ORIGINAL and thirteen (13) copies of the foregoing filed this 28th day of September, 2015, with:

The Arizona Corporation Commission Utilities Division – Docket Control 1200 West Washington Street Phoenix, Arizona 85007

Copy of the foregoing hand-delivered this 28th day of September, 2015, to:

Thomas Broderick Director, Utilities Division **Arizona Corporation Commission** 1200 West Washington Street Phoenix, Arizona 85007

Dwight Nodes Chief Administrative Law Judge, 25 Hearing Division Arizona Corporation Commission 1200 West Washington Street Phoenix, AZ 85007

1	Janice Alward, Chief Counsel
2	Legal Department Arizona Corporation Commission
1	1200 West Washington Street Phoenix, Arizona 85007
3	Thoenix, Arizona 83007
4	Copy of the foregoing mailed
5	this 28th day of September, 2015, to
6	Daniel W. Pozefsky, Chief Counsel
7	Residential Utility Consumer Office 1110 West Washington, Suite 220 Phoenix, Arizona 85007
8	
9	Andrew J. McGuire David A. Pennartz Landon W. Loveland
10	Gust Rosenfeld, P.L.C. One East Washington, Suite 1600
11	Phoenix, AZ 85004
12	Lina Bellenir 16301 E. Jacklin Drive
13	Fountain Hills, AZ 85268
14	Gale Evan Patricia Huffman
15	16218 E. Palisades Blvd Fountain Hills, AZ 85268
16	Leigh M. Oberfeld-Berger
17	Leigh M. Oberfeld-Berger 16623 E. Ashbrook Drive, Unit #2 Fountain Hills, AZ 85268
18	Tracey Holland
19	16224 E. Palisades Blvd. Fountain Hills, AZ 85268
20	
21	Leonora M. Hebenstreit 16632 E. Ashbrook Drive, Unit A
22	Fountain Hills, AZ 85268
23	Trues Transora
24	
25	

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